

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

PATRICIA J. GIBSON)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 03-06cv974-MEF-TFM
)	
WESTPOINT STEVENS, INC.)	
et al.,)	
Defendants.)	

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

The Plaintiff, by and through her attorney of record, respectfully submits this response to the Court's Order to Show Cause (**Doc. #34**). The Plaintiff offers the following for the Court's consideration:

1. That the Plaintiff's physician, Dr. James R. Whatley, M.D., has been subpoenaed to produce "any and all" of the Plaintiff's medical records maintained in the physician's custody;
2. That the Plaintiff objects to this request made by the Defendants as it is outside of the scope of discovery in this lawsuit. Under the *Federal Rules of Civil Procedure*, "[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, ...";
3. That the request is too broad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of relevant or admissible evidence, and that it infringes upon the Plaintiff's right to privacy as to these privileged documents;
4. That the Plaintiff has not made any allegation in her Complaint which requires a review of her medical records by the Defendants; and,
5. That the Defendants have no reason or right to probe into the Plaintiff's medical

history.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays that this Court will grant the Motion for Protective Order by Non-Party (**Doc. #33**) as it relates to Dr. James R. Whatley, M.D., and deny the Defendants' subpoena *ducas tecum* to get at the Plaintiff's medical records from not only Dr. James R. Whatley, M.D., but issue a Protective Order as it relates to all of the Plaintiff's physicians.

Respectfully submitted,

s/Lateefah Muhammad
Lateefah Muhammad (*Ala. Code* MUH001)
ATTORNEY FOR PLAINTIFF

Lateefah Muhammad, Attorney At Law, P.C.
Post Office Box 1096
Tuskegee, Alabama 36087
(334) 727-1997 telephone and facsimile
lateefahmuhammad@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on 25 May 2007, I electronically filed the foregoing Plaintiff's Response to Show Cause Order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: James C. Pennington, Esquire and Fred Suggs, Jr., Esquire, attorneys for Defendants.

s/Lateefah Muhammad
Lateefah Muhammad